

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:) Chapter 13
MARGARITA HERNANDEZ MUNOZ) Case No. 08-5-3270 RLE
) First Amended
) TRUSTEE'S OBJECTION TO
) CONFIRMATION WITH CERTIFICATE OF
) SERVICE
)
) Pre-Hearing Conference Date: October 16, 2008
) Pre-Hearing Conference Time: 2:00 pm
) Place: 280 S. 1st Street
) San Jose, CA Room 3099
) Judge: Efremsky
Debtor(s)

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this 0% Plan for the following reasons:

1. Pursuant to the debtor's testimony at the Section 341 First Meeting of Creditors on July 28, 2008, the debtor has not filed her 2005 and 2006 income tax returns. Before the Trustee can recommend confirmation of the debtor's plan, all missing tax returns must be prepared and filed with the appropriate taxing authorities. Once prepared, the Trustee requests verification that the Federal returns have been filed with the Internal Revenue Service.

1 2. The Plan is in violation of 11 U.S.C. §1322(d) in that the term exceeds 60 months. As
2 proposed, the term is approximately 140 months. Note: The Franchise Tax Board filed a
3 priority claim in the amount of \$20,885.15, which was unscheduled.

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6 Dated: September 3, 2008

/S/ Devin Derham-Burk

7 Chapter 13 Trustee
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Trustee's Obj to Confirmation 08-5-3270 rle

CERTIFICATE OF SERVICE BY MAIL

I declare that I am a citizen of the United States, over the age of 18 years, not a party to the within cause; my business address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the within First Amended Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on September 3, 2008.

Said envelopes were addressed as follows:

Margarita Hernandez Munoz
2872 Plumas Dr
San Jose, CA 95121

Gold & Hammes
1570 The Alameda #223
San Jose, CA 95126

/S/ Karen B. Huston
Office of Devin Derham-Burk, Trustee